

2012-2013 Regulatory Schedules List¹

SENATE TAXATION

EXHIBIT NO. 3

DATE 2-06-2013

BILL NO. SB 240

Remainder of 2012

- Late Fall 2012 – Personnel Surety Program (PSP) ICR
- December 2012 – Residual Risk Rule proposal
- December 2012 – Boiler MACT final rule (re-proposal)
- December 2012 – Maritime Transportation Security Act II (MTSA) proposal
- December 2012 – RFS2 RIN Validation Program proposal
- Quarter 4 – RFS2 RVO for 2013 proposal

Q1 2013

- January 2013 - Maritime Transportation Security Act II (MTSA) proposal
- Quarter 1 –Tier 3 Gasoline proposal
- Quarter 1 – RFS2 for RVOs 2013 final rule
- Quarter 1 – PM_{2.5} NAAQS final rule (originally to go final on 12/14/2012 but likely delayed)
- Quarter 1-2 – Comment period for Residual Risk Rule
- Quarter 1-4 – Uniform Standards final rule

Q2 2013

- Quarter 1-2 – Residual Risk Rule comment period
- Quarter 1-4 – Uniform Standards final rule
- Quarter 2 – Refinery GHG NSPS rule

Q3 2013

- Quarter 3 – RFS2 RIN Validation Program final rule
- Quarter 3-4 – Personnel Surety Program (PSP) final rule
- Quarter 3-4 – Fuel Terminal Tiering proposal
- Quarter 1-4 – Uniform Standards final rule

Q4 2013

- December 2013 – Ozone NAAQS proposal
- Quarter 3-4 – Personnel Surety Program (PSP) final rule
- Quarter 3-4 – Fuel Terminal Tiering proposal
- Quarter 1-4 – Uniform Standards final rule

2014 Dates

- September 2014 – Ozone NAAQS final rule
- 2014 –Fuel Terminal Tiering proposal
- Winter 2014 – Ozone NAAQS comment period

¹ All actions and dates are subject to change. These are estimates of most likely times that these proposals, comment periods, and final rulings could be in effect.

2012-2013 Regulatory Schedules

Tier 1 Rules

Regulation	Proposal Date	Comment Period	Final Date	Summary of Rule
Refinery GHG NSPS	2013			EPA announced on December 23, 2010 that it would regulate greenhouse gas emissions from power plants and refineries. The move stems from legal agreements the agency reached with state attorneys general and environmental groups in two separate suits concerning new source performance standards that EPA can require under the Clean Air Act. EPA issued a proposed GHG NSPS for utilities on April 13, 2012 and has signaled that it will proceed with a refinery GHG NSPS once the utility NSPS is headed toward completion.
Residual Risk Rule	December 2012	Early 2013	December 2013	Under the CAA, EPA is required to develop and implement a program for assessing risks remaining (i.e., the residual risk) after facilities have implemented MACT standards. If necessary, EPA is required to issue regulations to reduce any residual risks in order to protect the public health with an "ample margin of safety." EPA is required to prevent "adverse environmental effects" but must consider costs, energy, safety and other relevant factors. Finally, and if necessary, EPA must issue risk-based regulations within eight (or nine) years after the promulgation of the MACT standard. Due to an original court-ordered deadline of 2008, it is likely that this rule will be proposed in 2012.
Tier 3 Gasoline	2013			The EPA is expected to propose Tier 3 emissions tailpipe standards for new passenger cars and light-duty trucks. The agency will also consider revising gasoline parameters (i.e., sulfur and RVP).
Uniform Standards	March 2012	Through September 2012	2013?	EPA published in March 26, 2012 proposed National Uniform Emission Standards for Storage Vessel and Transfer Operations, Equipment Leaks, and Closed Vent Systems and Control Devices (excluding flares). The EPA also proposed supplemental revisions to the National Uniform Emission Standards General Provisions, which were originally proposed with the National Uniform Emission Standards for Heat Exchange Systems, signed on November 30, 2011. The proposed Uniform Standards would be referenced, as

				appropriate, in future revisions to new source performance standards and national emission standards for hazardous air pollutants for individual source categories that are part of the chemical manufacturing and refining industries. Proposed rules for flares and wastewater treatment systems are expected in 2013
RFS2 RVOs for 2013	4 th Quarter 2012		1 st Quarter 2013	The “Energy Independence and Security Act of 2007” (EISA) increased the Renewable Fuels Standard (RFS) to 36 billion gallons by 2022. It established four mandates, including a subset of the RFS called Advanced Biofuels that was to begin in 2009. The Advanced Biofuels mandate includes three different subcategories: cellulosic biofuels, biomass-based diesel, and other. “Other” advanced biofuels have regulatory significance because the statutory sum of cellulosic biofuels and biomass-based diesel is less than the total volume requirement of advanced biofuels. The “other” advanced biofuels subset can be met with ethanol derived from sugar or additional cellulosic biofuels or biomass-based diesel.
RFS2 RIN Validation Program	4 th Quarter 2012		3 rd Quarter 2013	The proposal the Agency is developing includes a quality assurance program that could be used to verify that RINs have been validly generated. The proposal would provide a recognized means for independent third parties to audit the production of renewable fuel and the generation of RINs. The basis for these audits would be quality assurance plans (QAPs) which would be developed and implemented by independent third parties, based on the requirements specified for a QAP in the regulations.

Tier 2 Rules

Regulation	Proposal Date	Comment Period	Final Date	Summary of Rule
Ozone NAAQS	December 2013	Summer 2014	September 2014	Under the CAA, the EPA must review the NAAQS at least every five years and revise them “as may be appropriate” in accordance with sections 108 and 109(b) of the CAA. Primary NAAQS must be set at a level “requisite to protect the public health” with “an adequate margin of safety.” Secondary NAAQS must specify a level of air quality “requisite to protect the public welfare from any known or anticipated adverse effects.”
PM _{2.5} NAAQS			December 14, 2012	In response to a court order under the CAA in June, the EPA proposed updates to its national

			(likely delayed to first quarter of 2013)	air quality standards for fine particle pollution, including soot (known as PM _{2.5}). EPA has proposed to limit PM _{2.5} to a level within a range of 13 micrograms per cubic meter to 12 micrograms per cubic meter. The court order means a relatively short timeframe between the proposal date and final action
Boiler MACT	December 2, 2011 (re-proposal)		December 2012	EPA proposed three related rules in 2010 intended to reduce the emission of hazardous air pollutants (HAPs) from industrial, commercial, and institutional boilers and process heaters as well as commercial and industrial solid waste incinerators. Simultaneously, EPA also proposed a definition of solid waste that could potentially affect some units currently considered boilers by moving them into the category of solid waste incinerators. These actions replace the national emission standards for new and existing boilers and process heaters that were previously promulgated in 2004 and vacated by the U.S. Court of Appeals for the District of Columbia in 2007. The Boiler MACT rule was originally finalized on February 21, 2011, but the Agency stayed the rule immediately went through the reconsideration process. The EPA re-proposed the rule on December 2, 2011.
Maritime Transportation Security Act II (MTSA II)	December 2012 or January 2013			MTSA II consolidates past Coast Guard policy into regulations with new requirements for more training, exercises and audits. This rule changes and amends 33 CFR, subchapter H (subchapter H is comprised of parts 101 through 106, and implements major provisions of MTSA).
Personnel Surety Program (PSP)	ICR late fall 2012; Proposal spring of 2013		Mid-summer of 2013	These new CFATS regulations would require Tier 1 and 2 sites subject to CFATS to conduct certain background checks and run personal identification information against the Terrorism Screening Database (TSDB) on their own site personnel but also on all contractors and visitors 48 hours prior to entering the site—including those that have been screened against the TSDB by other Federal vetting program. This will force sites to collect personnel data from contractors, track and protect that data and develop a system to coordinate the data submittal to DHS.
Fuel Terminal Tiering	No specific schedule yet but DHS continues to state they plan on			Fuel terminals had to submit top screens to DHS to establish whether they would be subject to tiering and the CFATS regulations. AFPM has continued to advocate that they do not belong in CFATS and that subjecting them to CFATS will cost more than the risk

	working on it once the PSP issue is settled			they may pose.
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Tier 3 Rules

Regulation	Proposal Date	Comment Period	Final Date	Summary of Rule